

IN THE UNITED STATES DISTRICT COURT
FOR THE
MIDDLE DISTRICT OF PENNSYLVANIA

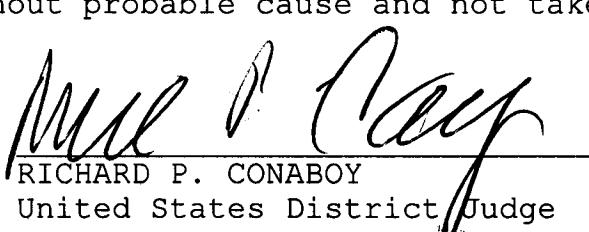
CLARENCE TONEY, :
Plaintiff : CIVIL NO. 3:CV-13-09
v. :
: (Judge Conaboy)
JEROME WALSH, ET AL., :
Defendants :
: JAN 10 2013

ORDER PER RP

DEPUTY CLERK

AND NOW, THEREFORE, THIS 10 DAY OF JANUARY, 2013, in
accordance with the accompanying Memorandum, IT IS HEREBY ORDERED
THAT:

1. Plaintiff's in forma pauperis motion is construed as a motion to proceed without full prepayment of fees and costs and the motion is **GRANTED**.
2. Toney's complaint is **DISMISSED WITHOUT PREJUDICE** as frivolous pursuant to 28 U.S.C. § 1915 (e) (2) (B) (i).
3. The Clerk of Court is directed to **CLOSE** the case.
4. Any appeal from this Order will be deemed frivolous, without probable cause and not taken in good faith.


RICHARD P. CONABOY
United States District Judge